



**Testimony of Marc Mauer  
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**Testimony on Bill No. 5207:  
Concerning Criminal Background  
Checks for Prospective State  
Employees**

February 25, 2010

**T**hank you for the opportunity to submit a statement on behalf of The Sentencing Project regarding Raised Bill No. 5207, which would prohibit public employers from inquiring about a job applicant's criminal history until after the prospective employee has been deemed qualified for the position and a conditional offer of employment has been extended. The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues. In regard to the issue of employability for persons with felony convictions, The Sentencing Project has produced a series of publications related to reentry issues and regarding the collateral sanctions that individuals with previous criminal history may experience. This statement will present a brief overview of the national scale of this problem and recent developments at the state and local level. The Sentencing Project believes this legislation would establish a more fair and effective policy for Connecticut.

## **NATIONAL OVERVIEW**

There were more than 2.3 million individuals in prison or jail in 2008, more than 820,000 on parole from prison, and more than 4.2 million persons on probation, for a total population of 7.3 million under supervision of the criminal justice system. Approximately 725,000 individuals returned to their communities from Federal, State and local prisons and jails in 2007, a figure that has more than doubled in the last twenty years.

Criminal convictions can expose persons to various legal penalties and disabilities long after they have completed their court imposed sentence. The collateral consequences of conviction vary widely from state to state and have been adopted in a variety of forms that range from restricting employment opportunities to limiting voting rights.

Employment opportunities are typically limited for persons with criminal records and are perhaps one of the most troublesome collateral consequences of a

conviction. The inability to obtain or maintain employment has been identified as a major factor in recidivism. According to a study by the Urban Institute, employment rates and earnings of formerly incarcerated persons are low by almost any standard—though in most cases they were fairly low even before these individuals were placed under criminal justice supervision. Low employment rates are related to the very high recidivism rates observed among those with criminal convictions.

### **COLLATERAL CONSEQUENCES IN CONNETICUT**

The proposed legislation, Raised Bill No. 5207, would prohibit public employers from inquiring about a job applicant's criminal history until after the prospective employee has been deemed qualified for the position and a conditional offer of employment has been extended. Additionally, if a criminal conviction is the basis for applicant's rejection, then Raised Bill No. 5207 would require public employers to document the reasons for rejection in writing and provide the document to the job applicant.

In Connecticut more than 6,400 persons were released from state prisons in 2008, while nearly 80,000 are either in prison, jail or on probation or parole and are under some form of criminal justice supervision. Connecticut has already adopted policies that recognize the capacity for personal growth among individuals with criminal records.

Currently, public employers and licensing authorities may not automatically disqualify persons with criminal convictions. Rather, prospective employers and licensing officials must consider the nature of the crime in relation to the job, the time elapsed since conviction, and information pertaining to rehabilitation. Additionally, prospective employers are prohibited from requiring job applicants to disclose the existence of any arrest, criminal charge or conviction that has been expunged.

## RECENT LEGISLATIVE REFORM

In recent years there has been legislative activity around the nation in regard to strengthening employment opportunities for individuals with criminal convictions. This has come about as the public and policymakers have become aware of the broad impact of these practices. In 2009 the state of Minnesota began to require all public employers to wait until someone has been selected for an interview before inquiring into his or her criminal history. As a result of this legislation, questions regarding previous criminal convictions will no longer appear on public employment job applications of non-exempted employers (approximately 200,000 positions statewide). The goal of this legislation is to provide individuals who have criminal records with more opportunities to be evaluated based upon all of their skills and qualifications, not just their criminal record. It also would provide employers with a more diverse applicant pool. Public employers would continue to have the authority to consider a prospective employee's criminal history. However, a prior conviction would no longer automatically eliminate job applicants from consideration.

The policy changes in Minnesota reflect an acknowledgement that strengthening employment opportunities would reduce recidivism and improve public safety. Other measures to enhance employment opportunities for persons with criminal convictions have been adopted in Hawaii, Illinois, and Kansas. Additionally, city and county governments adopted policies that strengthen opportunities for employment among persons with criminal convictions. Recently, cities like Boston, Chicago, and San Francisco implemented hiring policies for public employers that facilitate the hiring of individuals with criminal records while maintaining public safety and protecting the integrity of their jurisdiction's hiring processes.

## **CONCLUSION**

Many of the thousands of individuals under criminal justice supervision in Connecticut make a reasonable effort to be productive members of society. Effective public policy encourages persons with criminal records to turn their lives around and engage in rehabilitative efforts that result in personal growth that will strengthen public safety. Barriers to employment can hinder those efforts.

If the rehabilitation of persons with criminal convictions is a goal of the Connecticut Legislature then supporting measures that strengthen employment opportunities would be significant. The Sentencing Project encourages all members of the Committee on Labor and Public Employees to support Raised Bill No. 5207, concerning criminal background checks for prospective state employees.

